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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,332	12/21/2000	Kinya Kato	35.C14996	6155
5514	7590 09/15/2003			
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
	30 ROCKEFELLER PLAZA NEW YORK, NY 10112		WONG, EDNA	
			ART UNIT	PAPER NUMBER
			1753 DATE MAILED: 09/15/2003	lle

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Advisory Action	09/741,332	KATO ET AL.			
	Examiner	Art Unit			
	Edna Wong	1753			
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence address			
THE REPLY FILED 02 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.					
PERIOD FOR RE	PLY [check either a) or b)]				
a) The period for reply expires <u>3</u> months from the mailing date of					
b) The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later th ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	an SIX MONTHS from the mailing date of	of the final rejection.			
Extensions of time may be obtained under 37 CFR 1.136(a). The data have been filed is the date for purposes of determining the period of extens 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three most patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of the I statutory period for reply originally set in	e fee. The appropriate extension fee under the final Office action; or (2) as set forth in			
 A Notice of Appeal was filed on Appellant' 37 CFR 1.192(a), or any extension thereof (37 CF 					
2. The proposed amendment(s) will not be entered b	ecause:				
(a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below);					
(b) ☐ they raise the issue of new matter (see Note below);					
(c) ☐ they are not deemed to place the application issues for appeal; and/or	in better form for appeal by ma	terially reducing or simplifying the			
(d) They present additional claims without canceling a corresponding number of finally rejected claims.					
NOTE: See pages 2-5.					
3. Applicant's reply has overcome the following rejection	etion(s):				
 Newly proposed or amended claim(s) would canceling the non-allowable claim(s). 	be allowable if submitted in a s	separate, timely filed amendment			
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request fo application in condition for allowance because: See		sidered but does NOT place the			
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which were newly			
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims w					
The status of the claim(s) is (or will be) as follows:	•				
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected: 2-26,28-39,56-60 and 63-65.					
Claim(s) withdrawn from consideration: 1,27 and 6	<u>.</u> <u>6</u> .				
8. The proposed drawing correction filed on is	a) ☐ approved or b) ☐ disap	proved by the Examiner.			
9.⊠ Note the attached Information Disclosure Stateme	nt(s)(PTO-1449) Paper No(s).	14.			
	. 5	MOWOMS Edna World			
		Primary Examiner Art Unit: 1753			

U.S. Patent and Trademark Office PTOL-303 (Rev. 04-01) Application/Control Number: 09/741,332

Art Unit: 1753

This is in response to the Amendment After Final dated September 2, 2003, 2003. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

Double Patenting

Claims **2-26**, **28-39**, **56-60** and **63-65** have been provisionally rejected under the judicially created doctrine of double patenting over claims **46-94** of copending Application No. **09/794,836** (Kato et al.).

The rejection of claims 2-26, 28-39, 56-60 and 63-65 under the judicially created doctrine of double patenting over claims 46-94 of copending Application No. 09/794,836 has been maintained until the Terminal Disclaimer is submitted by the Applicants.

Claim Rejections - 35 USC § 103

Claims **28-35** and **37-39** have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Calcote et al.** (US Patent No. 5,813,799) in combination with **Robson** (US Patent No. 5,308,507).

The rejection of claims 28-35 and 37-39 under 35 U.S.C. 103(a) as being unpatentable over Calcote et al. in combination with Robson would have been withdrawn in view of Applicants' remarks, and the claims would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

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Response to Amendment

Election/Restrictions

This application contains claims **1, 27 and 66** are drawn to an invention nonelected with traverse in Paper No. 12. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

Claim 73 would have been objected to because of the following informalities:

Claim 73

line 1, "(Original)" should be amended to -- (New) --.

Appropriate correction is required.

NOTE

I. New claims **67-81** raise new issues that would require further consideration and search.

Claim 67, lines 1-5, recites:

A method of purifying polluted soil which contains a pollutant, comprising the steps of:

heating the polluted soil to make the soil emit a gas containing the pollutant;

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obtaining a mixture of the gas containing the pollutant and chlorine; and irradiating the mixture with light to decompose the pollutant.

The method is open to irradiating a gas and liquid mixture. This is different from irradiating the gaseous mixture in the originally claimed method.

II. New claims **82-85** raise new issues that would require further consideration and search.

Claim 85, lines 7, recites:

An apparatus for purifying polluted soil which contains a pollutant, comprising:

a heater to heat the polluted soil to make the soil emit a pollutant;

a mixing means having a space to mix the gas containing the pollutant and chlorine; and

a light irradiating means to irradiate the mixture with light to decompose the pollutant.

The apparatus structurally comprises a heater, a mixing means having a space and a light irradiating means. This is different from the originally claimed apparatus which also included a chlorine-containing gas generating means.

Thus, the method of claims 67-81 and the apparatus of claims 82-85 are

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broader in scope then originally claimed, and thus, they raise new issues that would

require further consideration and search.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Edna Wong whose telephone number is (703) 308-

3818. The examiner can normally be reached on Mon-Fri 7:30 am to 5:00 pm, alt.

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nam Nguyen can be reached on (703) 308-3322. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

1495.

Edna W

Primary Examiner

Art Unit 1753

EW

September 11, 2003